

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 00-1951

United States of America,

Appellee,

v.

Sheila Jean Robinson,

Appellant.

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* Appeal from the United States
* District Court for the District
* of Minnesota.
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* [UNPUBLISHED]
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Submitted: January 5, 2001

Filed: January 10, 2001

Before BEAM, FAGG, and LOKEN, Circuit Judges.

PER CURIAM.

Sheila Jean Robinson appeals the sentence imposed by the district court following revocation of Robinson's supervised release. Robinson contends the district court committed error in failing to give her advance notice of its intent to depart upward from the 5-to-11-month revocation imprisonment range recommended under Chapter 7 of the Guidelines, to a revocation sentence of 12 months imprisonment and 2 years supervised release. This argument is foreclosed by the holdings of this court. See United States v. Shaw, 180 F.3d 920, 922 (8th Cir. 1999) (per curiam) (Chapter 7 Guidelines serve non-binding, advisory role; thus, revocation sentence which exceeds

suggested range "is not an 'upward departure' because there is no binding guideline from which to depart").

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.